



U.S. DEPARTMENT OF  
**ENERGY**

Legacy  
Management

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# The Fernald Preserve Natural Resource Damage Settlement

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Session: Track 7.2: An Overview of Transactional  
Considerations in the Revitalization of Federally  
Owned, Environmentally Impaired or Impacted  
Property

# Other Contributors

Sue Smiley

DOE Office of Legacy Management

# Fernald Preserve





# Remediation





# Legacy Management



# CERCLA Natural Resource Damage Liability

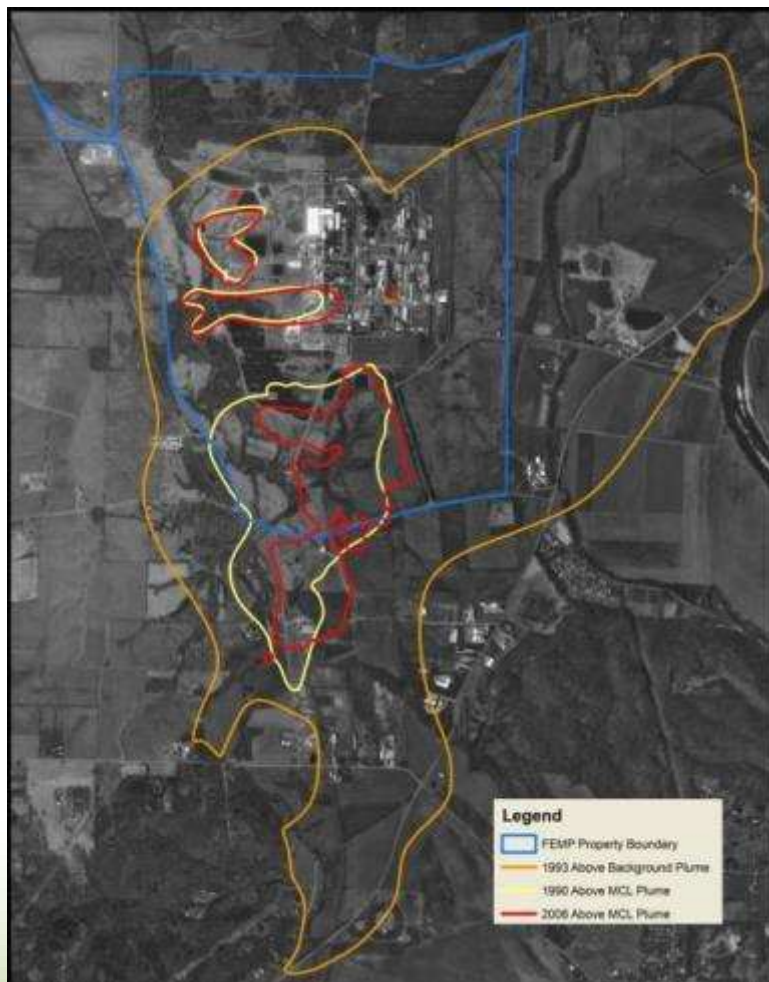
- CERCLA Section 107 states that Potentially Responsible Parties are liable for “injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury...”
- Natural Resources are defined as “land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States ...[or] any State or local government...”

# CERCLA Natural Resource Damage Liability

- Damages are dollar amounts that include the cost of assessing and restoring injured resources and compensation for interim loss of services the resources provide
- Trustees are defined in the National Contingency Plan as the Secretaries of Cabinet Departments within their respective management or control
- The National Contingency Plan assigns the governor of each state to act as Trustee for state natural resources

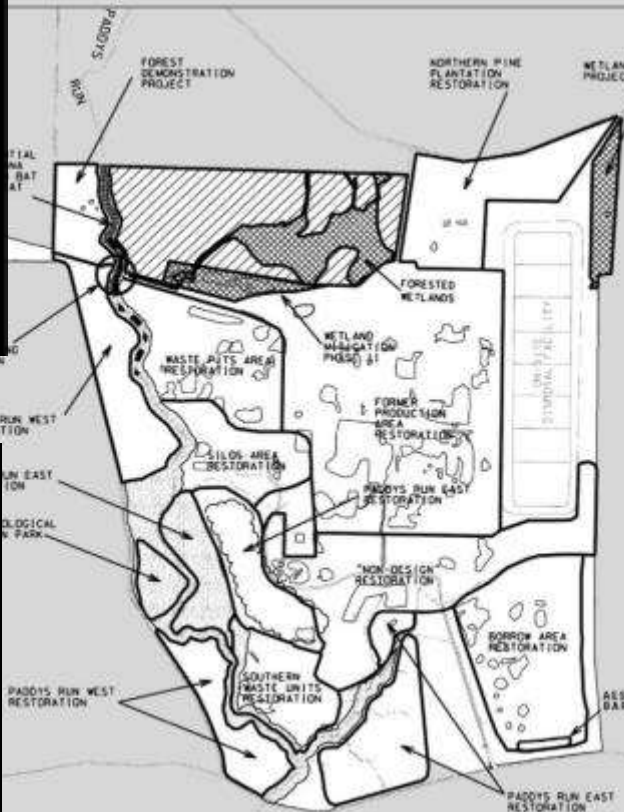


# Natural Resource Damage Assessment





# Settlement Negotiations



# Site-wide Ecological Restoration



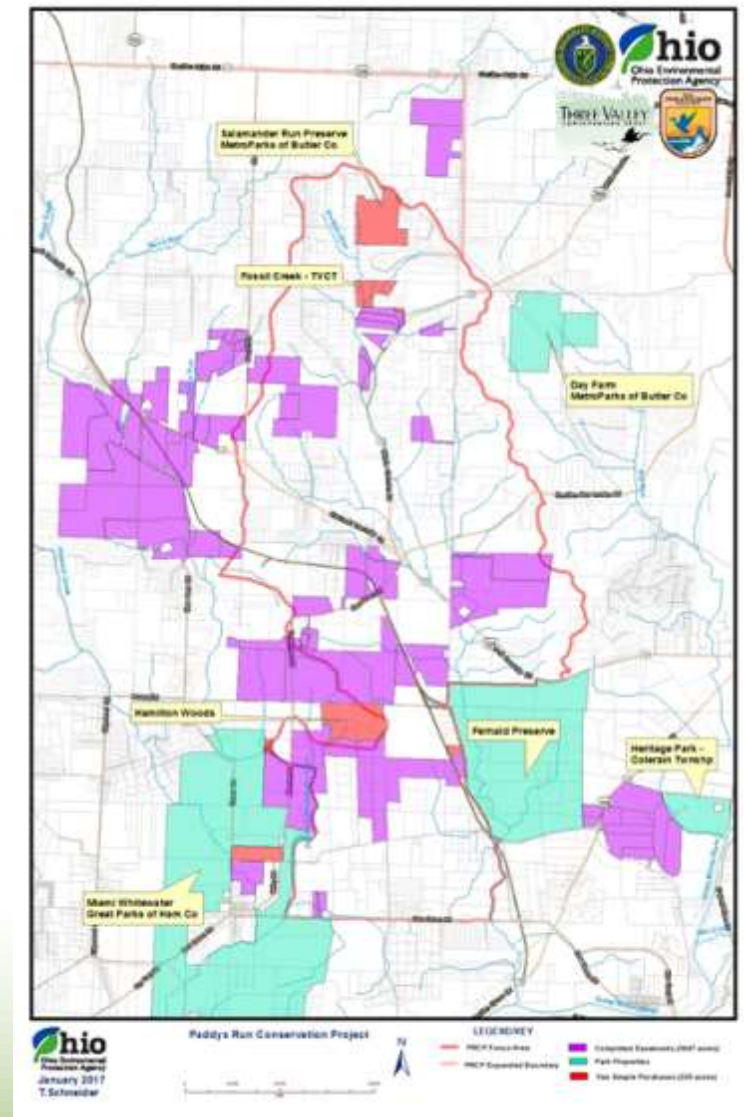


# Restoration Implementation





# Final Settlement



# Restored Area Maintenance Plan





# Ecological Monitoring





# What's Next?



# Questions?

